

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

JUSTIN DUFOE, on Behalf of Himself and All
Others Similarly Situated,

Plaintiff,

v.

DRAFTKINGS INC., JASON D. ROBINS,
JASON K. PARK, and MATTHEW KALISH,

Defendants.

Case No. 23-cv-10524-DJC

CLASS ACTION

Honorable Judge Denise J. Casper

**[PROPOSED] ORDER APPROVING SETTLEMENT DISTRIBUTION TO
AUTHORIZED CLAIMANTS**

THIS MATTER having come before the Court on the motion of Lead Plaintiff Justin Dufoe (“Lead Plaintiff”) for approval of distribution of the Net Settlement Fund to Authorized Claimants; the Settlement having reached its Effective Date; and the Court having considered the papers filed and proceedings had herein and otherwise being fully informed;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Order incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated February 26, 2025 (ECF No. 87-2), and all capitalized terms used, but not defined herein, shall have the same meaning as set forth in the Stipulation or in the Declaration of Kathleen M. Brauns Regarding Distribution Plan (“Brauns Distribution Declaration” or “Brauns Distribution Decl.”), dated January 26, 2026.

2. The administrative recommendations of A.B. Data (“A.B. Data” or “Settlement Administrator”), the Court-appointed Settlement Administrator, to accept the Proof of Claim and Release Forms (“Claim Forms”), including both timely Claim Forms and untimely Claim Forms submitted on or before July 30, 2025, listed in Exhibits B-1 and B-2 to the Brauns Distribution Declaration, are hereby APPROVED.

3. [Claimants' requests to accept the untimely Claim Forms listed in Exhibit B-3 to the Brauns Distribution Declaration, are hereby APPROVED.] [Claimants' requests to accept the untimely Claim Forms listed in Exhibit B-3 to the Brauns Distribution Declaration, are hereby DENIED.]

4. As determined by the Settlement Administrator, the Claim Forms listed in Exhibit B-4 have no individual recognized loss and therefore will receive no distribution.

5. [The untimely Claim Forms listed in Exhibit B-5 to the Brauns Distribution Declarations are hereby APPROVED.] [The untimely Claim Forms listed in Exhibit B-5 to the Brauns Distribution Declaration, are hereby DENIED.]

6. As determined by the Settlement Administrator, the wholly rejected or otherwise ineligible Claim Forms, listed in Exhibit B-6, are hereby REJECTED.

7. The administrative determinations of the Settlement Administrator in calculating the recognized loss of all Authorized Claimants in accordance with the Plan of Allocation, including the Claim Forms listed in both Exhibit B-1 and Exhibit C, are hereby APPROVED.

8. The Initial Distribution of the Net Settlement Fund to Authorized Claimants is hereby AUTHORIZED and shall be conducted in accordance with the Settlement Agreement, the Court-approved Plan of Allocation, and the distribution plan for payment of the Net Settlement Fund ("Distribution Plan") set forth in paragraph 41 of the Brauns Distribution Declaration, which is hereby APPROVED.

9. No new Claim Forms received or postmarked after January 26, 2026, may be eligible for payment.

10. As set forth in the Distribution Plan, after paying from the remaining balance of the Net Settlement Fund any amounts mistakenly omitted from the Initial Distribution to Authorized

Claimants who would receive at least a \$5.00 payment, A.B. Data shall be authorized to pay itself for any Notice Costs and Administration Costs incurred in administering the Settlement in excess of the \$180,000 authorized by the Final Approval Order.

11. As set forth in Distribution Plan, if any funds remain in the Net Settlement Fund after the Initial Distribution, any amounts mistakenly omitted from the Initial Distribution, and any additional Notice Costs and Administration Costs have been paid, A.B. Data shall, if it determines in consultation with Class Counsel that it would be economically feasible to do so, conduct a Second Distribution of the Net Settlement Fund.

12. As set forth in the Distribution Plan, at such time as Class Counsel, in consultation with A.B. Data, determines that further redistribution of the funds remaining in the Net Settlement Fund is not cost-effective, the residual balance in the Net Settlement Fund, after payment of any unpaid costs, expenses, and Taxes, shall be contributed to an appropriate cy pres recipient, as to be identified by Defendants and approved by Lead Plaintiff and the Court.

13. The administration of the Settlement and the proposed distribution of the Net Settlement Fund shall comply with the terms of the Settlement Agreement and Plan of Allocation.

14. The Settlement Administrator is authorized to destroy paper copies of the Claim Forms and all supporting documents one (1) year after the Initial Distribution of the Net Settlement Fund, and to destroy electronic copies of the same one (1) year after all funds have been distributed.

15. The Court retains jurisdiction to hear further applications concerning the administration of the Settlement, and such other and further relief as this Court deems appropriate.

IT IS SO ORDERED on this ____ day of _____, 2026.

Denise J. Casper
U.S. District Court Judge